

JOURNAL OF THE HOUSE.

Thursday, June 9, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Harkins of Needham in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mrs. Harkins), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Kevin H.
White.

Resolutions (filed by Mr. DiMasi of Boston) honoring Kevin H. White on his many accomplishments;

Paul
Rumul.

Resolutions (filed by Mr. Atsalis of Barnstable and other members of the House) honoring Paul Rumul for his commitment and dedication to the Cape Cod Chamber of Commerce;

Framingham,
Spring
Into Arts!.

Resolutions (filed by Representatives Blumer of Framingham and Sannicandro of Ashland) congratulating the town of Framingham on the creation of Spring Into Arts!;

Peter S.
Bright.

Resolutions (filed by Mr. Galvin of Canton) congratulating Chief Peter S. Bright (retired);

Thomas P.
Lyman.

Resolutions (filed by Mr. Galvin of Canton) congratulating Captain Thomas P. Lyman of the Canton Fire Department;

Paul F.
Torney.

Resolutions (filed by Mr. Galvin of Canton) congratulating Paul F. Torney;

Paige
Memorial
Library.

Resolutions (filed by Ms. Gobi of Spencer) in recognition of the centennial celebration of the Paige Memorial Library;

Vincent P.
Doolan.

Resolutions (filed by Messrs. Mariano of Quincy, Ayers of Quincy and Tobin of Quincy) congratulating Reverend Vincent P. Doolan on the twenty-fifth anniversary of his ordination;

Jonathan M.
Hatch.

Resolutions (filed by Mrs. Paulsen of Belmont) congratulating Jonathan M. Hatch on receiving the Eagle Award of the Boy Scouts of America;

Leo
Souza.

Resolutions (filed by Messrs. Rush of Boston and Timilty of Milton) honoring the memory of Leo Souza upon the stage dedication in his name at Camp Sayre in Milton;

Mount
Carmel
Lodge.

Resolutions (filed by Messrs. Walsh of Lynn, Falzone of Saugus, Fennell of Lynn and Petersen of Marblehead) in honor of the two hundredth anniversary of Mount Carmel Lodge of the Most Ancient and Honorable Society of Free and Accepted Masons; and

Alewife
Reservation.

Resolutions (filed by Ms. Wolf of Cambridge) resolutions on the occasion of the celebration of the Alewife Reservation and the Coalition for Alewife;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Koutoujian

THURSDAY, JUNE 9, 2005.

of Waltham, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Cabral of New Bedford presented a petition (accompanied by bill, House, No. 4158) of Antonio F. D. Cabral and others (with the approval of the mayor and city council) that the licensing authority of the city of New Bedford be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises to the Sporting Soccer Club; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

New Bedford,
liquor license.

Ms. Callahan of Sutton presented a petition (subject to Joint Rule 12) of A. Stephen Tobin and others relative to the election of retirement options by public employees; and the same was referred, under Rule 24, to the committee on Rules.

Retirement
options.

Papers from the Senate.

A Bill authorizing certain easements in the town of Holbrook for construction and maintenance of a water main (Senate, No. 2077, amended by adding at the end thereof the following paragraph:

Holbrook,
easements.

"The construction, installation, maintenance and repair of the water main, as authorized by this act, shall at all times be conducted pursuant to the terms and conditions of any permits or approvals required by law, including any obligation to restore the property.") (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Khan of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

A report of the committee on Bonding, Capital Expenditures and State Assets, asking to be discharged from further consideration of the House Bill relative to the issuance of certain bonds by the town of Dracut (House, No. 3231, changed), and recommending that the same be referred to the Senate committee on Senate Ethics and Rules,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, inasmuch as relates to the discharge of the committee.

Dracut,
bond
issuance.

A petition (accompanied by bill, Senate, No. 2083) of Stephen M. Brewer and Brian Knuuttila (by vote of the town) for legislation to exempt the position of police chief in the town of Winchendon from the civil service law, was referred, in concurrence, to the committee on Public Service.

Winchendon,
police chief.

Reports of Committees.

Municipal
department
revolving
funds.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill to simplify the rules for use of municipal departmental revolving funds (House, No. 1630),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Lowell,
land
easement.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to authorizing the city of Lowell to grant permanent easement of park land (approximately 1426 square feet) to abutters (House, No. 3227) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Golden of Lowell, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act authorizing the city of Lowell to grant a permanent easement of certain park land to abutters.". Sent to the Senate for concurrence.

Westport,
Police
Memorial
Bridge.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill designating a certain bridge in the town of Westport as the Westport Police Officers Memorial Bridge (House, No. 1690) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Paulsen of Belmont, the bill was read a second time forthwith; and it was ordered to a third reading.

Hyde Park,
Kearney
Bridge.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill designating a certain bridge in the Hyde Park section of the city of Boston as the Joseph M. Kearney Bridge (House, No. 1694) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Gobi of Spencer, the bill was read a second time forthwith; and it was ordered to a third reading.

Hyde Park,
Geraghty
Bridge.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill designating a certain bridge in the Hyde Park section of the city of Boston as the Thomas J. Geraghty Bridge (House, No. 1695) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Blumer of Framingham, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill designating a certain rest area in the town of Barnstable as the Korean War Veterans Memorial Rest Area (House, No. 1984) be scheduled for consideration by the House.

Barnstable,
Korean War
Veterans.

Under suspension of Rule 7A, on motion of Mr. Verga of Gloucester, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the personnel powers of the town manager in the town of Framingham (House, No. 3141) be scheduled for consideration by the House.

Framingham,
town
manager.

Under suspension of Rule 7A, on motion of Mr. Golden of Lowell, the bill was read a second time forthwith; and it was ordered to a third reading.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 3844, reported, in part, a Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4156) [Direct Appropriation: \$79,526,055.00; Retained Revenue: \$41,600.00; Total Appropriation: \$79,567,655.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental
appropriations.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Spellane of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. DeLeo, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Timilty of Milton moved that it be amended in section 2, in item 7010-0005, by inserting at the end thereof, after the word "children" the following provision: "provided that the department shall allocate to the Town of Randolph, not less than \$2,000,000 in order to ensure the continue operation of the Devine Elementary School"; and the amendment was rejected.

Mr. Spellane of Worcester then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 7. The second sentence of paragraph (1) of subsection (b) of section 22 of Chapter 141 of the Acts of 2003 as amended by section 2 and 3 of Chapter 462 of the Acts of 2004 is further amended by striking out the figure '15,000,000' and inserting in its place the figure:— 50,000,000.

SECTION 8. The second sentence of paragraph (1) of subsection (b) of section 24 of Chapter 141 of the Acts of 2003 as amended by section 2 and 3 of Chapter 462 of the Acts of 2004 is further amended by striking out the figure '15,000,000' and inserting in its place the figure:— 50,000,000."

The amendment was rejected.

Mr. Timilty of Milton then moved that the bill be amended in section 2, in item 7010-0005, by inserting at the end thereof, after the word "children" the following provision: "provided that the department shall allocate to the Town of Milton, not less than \$2,000,000 for the operation and maintenance of existing school facilities".

The amendment was rejected; and the bill (House, No. 4156) was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

House bills

Third
reading
bills.

Authorizing the town of Greenfield to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3843); and

Authorizing William F. Felton to receive workers' compensation benefits without offset against his retirement allowance (House, No. 4058;

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recess.

Recess.

At thirteen minutes before twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mrs. Harkins of Needham being in the Chair) the House recessed until half past twelve o'clock noon; and at eighteen minutes after one o'clock P.M. the House was called to order with Mrs. Harkins in the Chair.

Emergency Measures.

Mary M.
Putney,
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Mary M. Putney, an employee of the Trial Court (see House, No. 4062), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Supplemental
appropriations.

The engrossed Bill making appropriations for the fiscal year 2005 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4156), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill.

The engrossed Bill relative to the issuance of certain bonds by the town of Dracut (see House, No. 3231, changed) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

At eighteen minutes before two o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.